

#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Douglas G. Murray

Confirmation No.: 6548

Serial No.: 09/442,909

Group Art Unit: 2154

Filed: November 18, 1999

Examiner: Black, Linh

Title: INFORMATION GATHERING FACILITY EMPLOYING
DICTIONARY FILE CONTAINING MULTIPLE INQUIRIESFAX RECEIVED
JUN 21 2004
Technology Center 2100

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JUN 21 2004

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile transmission to: ATTN: SPE Vincent N. Trans, Technology Center 2100, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, Facsimile No. (703) 305-8266, on June 21, 2004.

FAX RECEIVED

JUN 21 2004

Technology Center 2100

Kevin P. Radigan
Kevin P. Radigan, Esq.
Attorney for Applicants
Registration No.: 31,789

Date of Signature: June 21, 2004.

To: SPE Vincent N. Trans
Technology Center 2100
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Second Request to Withdraw Abandonment

Dear Sir:

On May 4, 2004, applicant received a Decision on Petition Under 37 CFR §1.181 to Withdrawal Holding of Abandonment, which indicated that Applicant's Request to Withdraw Abandonment, filed on March 15, 2004 had been dismissed due to the fact that the Petition did not include a statement from the party who forwarded the correspondence which attests on a personal knowledge basis to the previous timely mailing.

EN999088

In support of this Second Request to Withdraw Abandonment, therefore, a Declaration by Kevin P. Radigan, Esq. (copy enclosed as Exhibit A; hereinafter referred to as the "Declaration") is attached herewith, which attests on personal knowledge as to the previous timely mailing of the Response, as well as an express statement as to the signature provided in the Certificate of Mailing portion in the original, timely filed Response to Office Action dated September 30, 2003. A complete copy of the September 30, 2003 Response to Office Action (including Amendment Transmittal Letter and the return receipt postcard filed with the response) is attached hereto as Exhibit B.

On February 23, 2004, Applicant received a Notice of Abandonment (copy attached to the Declaration as Exhibit C) for Applicant's alleged failure to timely respond to the Office Action letter mailed on July 8, 2003. As noted above and as explained in the Declaration, this assertion is incorrect, and the application should not be abandoned.

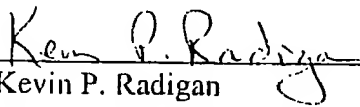
Responsive to the Notice of Abandonment, the undersigned attorney of record, Kevin P. Radigan, Esq., prepared and fax filed a Request to Withdraw Abandonment (copy enclosed as Exhibit D), which detailed the particulars of Applicant's position and reasserted Applicant's position that the Office's determination of Abandonment of the application is in error.

On April 22, 2004, the Office issued a Decision on Petition DISMISSING Applicant's Petition (copy enclosed as Exhibit E) on the grounds that "a statement from the party who forwarded the correspondence ... which attests on a personal knowledge basis to the previous timely mailing." Applicant respectfully, but most strenuously traverses this Decision as well as the reasons stated for dismissal. In further support of Applicant's position as to the timely filing and circumstances surrounding the September 30, 2004 Response, Applicant's undersigned attorney has herewith submitted a statement (Declaration, Exhibit A) which attests to the timely filing of said Response. Additionally, Applicant believes that each of the criteria of 37 C.F.R. §1.181 have been met, and reconsideration and withdrawal of the holding of abandonment is respectfully requested.

Based on the foregoing, Applicant respectfully submits that the Notice of Abandonment mailed on February 18, 2004 (Exhibit C) was issued in error and respectfully requests that the abandonment be withdrawn and that the case be reinstated without further delay.

Should Special Program Examiner Vincent N. Trans wish to discuss any of the details and/or particulars submitted herewith before GRANTING this Request, and/or require additional documentation and/or evidence supporting Applicant's assertion, he is welcome to contact Applicant's undersigned representative listed below.

Respectfully submitted,


Kevin P. Radigan
Attorney for Applicants
Registration No.: 31,789

Dated: June 21, 2004.

HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle
Albany, New York 12203-5160
Telephone: (518) 452-5600
Facsimile: (518) 452-5579

Exhibit A**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Douglas G. Murray Confirmation No.: 6548
Serial No.: 09/442,909 Group Art Unit: 2177
Filed: November 18, 1999 Examiner: Black, Linh
Title: INFORMATION GATHERING FACILITY EMPLOYING
DICTIONARY FILE CONTAINING MULTIPLE INQUIRIES

To: SPE Vincent N. Trans
Technology Center 2100
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration of Kevin P. Radigan

Dear Sir:

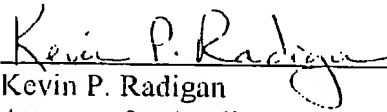
I, Kevin P. Radigan, declare as follows:

1. I am a registered patent attorney, Registration No. 31,789.
2. I am a partner in the firm of Heslin Rothenberg Farley & Mesiti, P.C., 5 Columbia Circle, Albany, NY 12203.
3. I am responsible for the prosecution of the above-identified U.S. Patent Application.
4. On July 10, 2003, I received an Office Action mailed July 8, 2003 in the above-identified U.S. Patent Application.
5. In response to the July 8, 2003 Office Action, I prepared a Response, which in my opinion, puts all of the claims in the application in condition for allowance, and which copy is also submitted concurrently herewith as Exhibit B of Applicant's Second Request for Withdrawal of Abandonment.
6. As shown in the copy of the September 30, 2004 Response, and in particular, in the Amendment Transmittal Letter and page 1 of the Response to Office Action, I personally reviewed and signed both Certificates of Mailing. Each Certificate asserts that the documents were being deposited with the U.S. Postal Service as First Class Mail to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313, on September 30, 2004. Additionally, my full type-printed name and signature appears on each Certificate of Mailing.

Exhibit A

7. A postcard (attached with Exhibit B) accompanied the Response to Office Action of September 30, 2003 to the Patent Office. This postcard was not received in return from the Patent Office since the postcard is not presently in my file for this application. I do not know why my office never received the postcard from the Patent Office confirming filing of the Response of September 30, 2003.
8. The abandonment of this application first came to my attention on February 23, 2004, when I received a Notice of Abandonment (attached as Exhibit C) for Applicants' alleged failure to timely respond to the Office Action of July 8, 2003.
9. Upon receipt of the Notice of Abandonment from the U.S. Patent and Trademark Office, I immediately looked into the situation and found that we had never received the postcard from the Patent Office confirming filing of the Response of September 30, 2003. Since a Response was timely mailed from our office on September 30, 2003, including a Certificate of Mailing, applicants fax filed on March 15, 2004, a Request for Withdrawal of the Abandonment (attached as Exhibit D).
10. Responsive to Applicants request for withdrawal of the abandonment, a Decision on Petition mailed April 22, 2004 (attached as Exhibit E) was received on May 4, 2004. This Declaration, as well as the accompanying Second Request For Withdrawal of Abandonment are filed in response thereto.
11. I further declare that all statements made herein in my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment, or both, under §101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,


Kevin P. Radigan
Attorney for Applicants
Registration No.: 31,789

Dated: June 21, 2004.

HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle
Albany, New York 12203-5160
Telephone: (518) 452-5600
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Exhibit B

Applicants: Douglas G. Murray

Serial No.: 09/442,909 Filing Date: 11/18/99

Title: INFORMATION GATHERING FACILITY EMPLOYING DICTIONARY FILE
CONTAINING MULTIPLE INQUIRIES

____ Patent App: Spec. ____ pps., ____ Clus. ____ pps., Abs. ____ pg.,
 Drawings 1 sheets: X Formal, ____ Informal
 ____ Declaration ____ pps.: ____ Signed, ____ Unsigned
 ____ Assignment ____ pps.; ____ Assignment Recordation ____ pps.
 ____ IDS ____ pps.; ____ IDC ____ pps.; ____ Refs;
 ____ Statement of Relevance ____ pps.
 ____ Verified Statement Claiming Small Entity ____ pps.
 ____ Check \$ _____

X Transmittal Letter 1 pps.; X duplicate
X Amendment 23 pps.;
 ____ Extension of Time ____ pps.; ____ duplicate Atty/Sec
X Certificate of Mailing by Express Mail 11/18/99 KPR / dad
 Mailed on September 30, 2003

Docket No.: EN999088 File No.: 0827.066

Exhibit B

AMENDMENT TRANSMITTAL LETTER (Large Entity)

Applicant(s): Douglas G. Murray

Docket No.

EN999088

Serial No.
09/442,909Filing Date
11/18/99Examiner
Black, LinhGroup Art Unit
2154Invention: **INFORMATION GATHERING FACILITY EMPLOYING DICTIONARY FILE CONTAINING
MULTIPLE INQUIRIES**TO THE COMMISSIONER FOR PATENTS:


Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE |
|--|-------------------------------------|-----------------------------|--------------------------------|---------|-------------------|
| TOTAL CLAIMS | 67 - | 70 = | 0 x | \$18.00 | \$0.00 |
| INDEP. CLAIMS | 8 - | 8 = | 0 x | \$84.00 | \$0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$0.00 |


- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of _____
- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 09-0457 (IBM)
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.


Signature

Dated: September 30, 2003

Kevin P. Radigan, Esq.
Registration No.: 31,789
Heslin Rothenberg Farley & Mesiti P.C.
5 Columbia Circle
Albany, New York 12203-5160
Telephone: (518) 452-5600
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I certify that this document and fee is being deposited
on 9/30/03 with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450.


Signature of Person Mailing Correspondence

Kevin P. Radigan

Typed or Printed Name of Person Mailing Correspondence

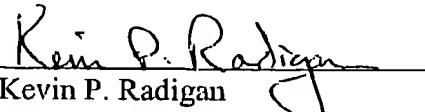
cc:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Douglas G. Murray Confirmation No.: 6548
Serial No.: 09/442,909 Group Art Unit: 2154
Filed: November 18, 1999 Examiner: Black, Linh
Title: INFORMATION GATHERING FACILITY EMPLOYING DICTIONARY
FILE CONTAINING MULTIPLE INQUIRIES

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 30, 2003.


Kevin P. Radigan
Attorney for Applicant
Registration No.: 31,789

Date of Signature: September 30, 2003.

To: Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response To Office Action

Dear Sir:

This paper is filed in response to the Office Action mailed July 8, 2003, in connection with the above designated application. Reconsideration and allowance of the application are respectfully requested in view of the Amendments and Remarks below.

Amendments to the Specification begin on page 2 of this paper.
Amendments to the Abstract begin on page 4 of this paper.
Amendments to the Claims begin on page 5 of this paper.
Amendments to the Drawings begin on page 21 of this paper.
Remarks begin on page 22 of this paper.

Amendments to the Specification

In compliance with revised 37 CFR 1.121, the changes in the replacement paragraphs are shown by strikethrough (for deleted matter) and underlining (for added matter).

Please replace the paragraph at page 1, lines 9-12 of the specification with the following amended paragraph:

"Information Gathering Facility Employing Dictionary File Containing Inquiry Invoking An External Process," by Douglas G. Murray, (~~Docket No. EN999112~~), Serial No. , ~~co-filed herewith~~, now U.S. Patent No. 6,427,144 B1, issued July 30, 2002.

Replace the paragraph at page 7, beginning at line 23 and extending to page 8, line 8 of the specification with:

FIG. 1 depicts one embodiment of a computer network, generally denoted 10, which includes multiple computing systems such as client workstations ~~12~~ 12a, 12b, 12c coupled to a server 14. As shown, server 14 functions as an information repository in accordance with the principles of the present invention. Each client workstation ~~12~~ 12a, 12b, 12c includes an inquiry tool ~~16~~ 16a, 16b, 16c and in this example a copy 18a, 18b, 18c of the dictionary file 18 read from information repository 14. Inquiry tool ~~16~~ 16a, 16b, 16c includes the control file which tells, for example, the respective client ~~12~~ 12a, 12b, 12c when to update its corresponding state information, where to go to obtain the dictionary file and where to return the state information 20. The inquiry tool is an application that is installed on a workstation that is used to gather information from the workstation. Once operational, the tool will gather the information when executed by the end user or optionally on a periodic schedule. Installation of this tool could be done at any time, but is typically done prior to a user receiving the workstation for use.

Replace the paragraph at page 8, lines 9-21 of the specification with:

In this embodiment, the returned information 20 is stored at database 20 of information repository 14 of network 10. Preferably, the dictionary file copy at client ~~12~~ 12a,

12b, 12c is updated each time inquiry tool ~~16~~ 16a, 16b, 16c initiates processing to update the client state information. Note that as used herein the "state of the computer system" and "state information" refer to, for example, whether a program or file exists on the client, the version or level of the program or file, or to a variable or value from an application residing on the client or resulting from execution of an external process by the client as described in greater detail in the above-incorporated, co-filed application.

Replace the paragraph at page 14, lines 7-11 of the specification with:

IPConfig obtains TCP/IP information from the system by executing the WINIPCFG command on ~~Windows~~ WINDOWS 95 Operating System or the IPCONFIG command on ~~Windows~~ WINDOWS NT Operating System. Use the IPConfig option to run these utilities and extract information from the result to be sent to the repository.

Replace the paragraph at page 15, lines 19-27 of the specification with:

Often application INI files contain information that is required to determine how that application is installed. Use the INI option to extract information from an application INI file. Those skilled in the art will note that an INI file is an initialization file in Windows which provides persistent storage of configuration data. Many applications employ INI files to store information that must persist. Those skilled in the art of ~~Windows~~ WINDOWS Operating System programming understand the format and use of INI files.

Replace the heading at page 17, line 18 with:

reg_exc (~~Windows~~ WINDOWS NT/2000/98/95 Operating System Versions)

Amendments to the Abstract

Please replace the Abstract on page 51 with the following amended Abstract:

An information gathering facility is provided to ~~gather information on the state of a computer system. The information gathering facility~~ which includes a dictionary file data structure having a plurality of inquiries for ascertaining state information on the a computer system. The plurality of inquiries are organized into at least one subject group. ~~Each subject group is directed to a different piece of the state information. At least one group has~~ having multiple records of inquiry. These multiple records of inquiry are processed such that if a condition of one record is satisfied then processing terminates for the group, otherwise processing proceeds to a next record and continues until a condition of one of the records of the group is satisfied or until all records have been processed. One or more of the plurality of inquiries comprise instructions which output a result when a condition of the instruction is satisfied. Thus, the state information to be output is defined by the results contained within the instructions of the dictionary file itself.

Amendments to the Claims

Kindly amend claims 15, 29, 41 & 61, as set forth below, and cancel claims 25, 48 & 68 without prejudice. In compliance with the Revised Amendment Format, a complete listing of claims is provided herein.

1. (Original) A method for gathering information on a state of a computer system, said method comprising:

providing a dictionary file having a plurality of inquiries for ascertaining state information on said computer system, said plurality of inquiries being organized into at least one subject group, each subject group being directed to a different piece of said state information, at least one group of said at least one subject group having multiple records of inquiry; and

processing at least one inquiry of said plurality of inquiries of said dictionary file to accumulate said state information, said processing comprising for each group of said at least one group having multiple records of inquiry:

processing a record of said multiple records of inquiry, and if a condition of said record is satisfied then terminating processing of said group, otherwise processing a next record of said multiple records of inquiry and continuing until a condition of one record of said multiple records of inquiry is satisfied or all records of said multiple records of inquiry of said group have been processed.

2. (Original) The method of claim 1, wherein said at least one subject group comprises multiple subject groups, and wherein said processing of each group of said at least one group having multiple records of inquiry comprises proceeding to a next group of said multiple subject groups when said condition of one record of said multiple records of inquiry in said at least one group is satisfied.

3. (Original) The method of claim 1, wherein at least some inquiries of said plurality of inquiries comprise instructions, each instruction providing a result when a condition of said instruction is satisfied.

4. (Original) The method of claim 3, further comprising collecting results of said instructions into a file, said file being representative of said state of said computer system.
5. (Original) The method of claim 4, wherein each inquiry of said plurality of inquiries is an instruction which provides a result when a condition of said instruction is satisfied.
6. (Original) The method of claim 4, wherein said processing comprises processing each group of said at least one subject group, and wherein said method further comprises transferring said file to an information repository coupled to said computer system across a network.
7. (Original) The method of claim 6, wherein said computer system comprises one computer system of a plurality of computer systems coupled to said network.
8. (Original) The method of claim 1, wherein said dictionary file comprises a rules database in an ASCII file.
9. (Original) The method of claim 1, wherein at least one record of inquiry of said multiple records of inquiry comprises an instruction which provides a result when a condition of said instruction is satisfied, said result comprising state information for said group having said record when the condition of said instruction is satisfied.
10. (Original) The method of claim 1, wherein said computer system comprises one computer system within a network of computer systems, and wherein said providing comprises reading said dictionary file from a server coupled to said network of computer systems to said one computer system to gather said state information thereon.
11. (Original) The method of claim 10, further comprising forwarding results representative of gathered state information to an information repository coupled to said network of computer systems, said information repository residing at said server system providing said dictionary file.

12. (Original) The method of claim 1, wherein said processing comprises processing each group of said at least one subject group, and setting group substitution variables for output upon initiation of processing of each group of said at least one subject group.

13. (Original) The method of claim 1, wherein said multiple records of inquiry of said at least one group comprise at least one of a file check inquiry, a file content check inquiry, an external process check inquiry, or a default inquiry for said group.

14. (Original) The method of claim 1, wherein said plurality of inquiries comprise multiple inquiry types, and wherein said multiple inquiry types comprise at least some of:

a file inquiry which checks for existence of a file of a certain date, time or size and which can return file information;

an INI file inquiry which checks for a certain application, variable and value, and which can return a certain value or one or more variables and values;

an ASCII file inquiry which checks for a certain character string in a file, and which can return information on a line within the character string;

a registry inquiry which checks for a certain registry tree or value, and which can return one or more values in a tree or sub-tree;

an external process inquiry using an INI output, which comprises executing an external process and performing an INI file inquiry on the result;

an external process inquiry which executes an external process, provides an ASCII output, and performs an ASCII file inquiry on the result;

an external process inquiry using a registry, which executes an external process and performs a registry inquiry on the result; and

multiple inquiries which comprise a combination of multiple other inquiry types, where all must succeed.

15. (Currently Amended) A method for gathering information on a state of a computer system, said method comprising:

providing a dictionary file having a plurality of inquiries for ascertaining said state information on said computer system, at least one inquiry of said plurality of inquiries comprising an instruction having a result which is output when a condition of said instruction is satisfied, wherein said plurality of inquiries comprise at least one of a file check inquiry, a file content check inquiry, an external process check inquiry, or a default inquiry; and

processing at least one inquiry of said plurality of inquiries of said dictionary file to accumulate said state information, said processing comprising for each instruction, outputting said result of said instruction from said dictionary file when said condition of said instruction is satisfied, wherein said state information on said computer system comprises outputted results from satisfaction of said at least one instruction.

16. (Original) The method of claim 15, wherein said at least one inquiry comprising said instruction comprises multiple inquiries of said plurality of inquiries, each instruction having a result which is output when a condition of said instruction is satisfied.

17. (Original) The method of claim 16, further comprising collecting results of said instructions into a file, said file being representative of said state of the computer system.

18. (Original) The method of claim 17, wherein each inquiry of said plurality of inquiries is an instruction which provides a result when a condition of said instruction is satisfied.

19. (Original) The method of claim 17, further comprising transferring said file to an information repository coupled to said computer system across a network.

20. (Original) The method of claim 19, wherein said computer system comprises one computer system of a plurality of computer systems coupled to said network.

21. (Original) The method of claim 15, wherein said dictionary file comprises a rules database defined in an ASCII file.

22. (Original) The method of claim 15, wherein said computer system comprises one computer system within a network of computer systems, and wherein said providing comprises reading said dictionary file from a server coupled to said network to said one computer system to gather said state information thereon.

23. (Original) The method of claim 22, wherein said reading of said dictionary file is performed by an inquiry tool routine located on said one computer system.

24. (Original) The method of claim 22, further comprising forwarding results representative of gathered state information to an information repository of said network of computer systems, said information repository residing at said server providing said dictionary file.

25. (Cancelled)

26. (Original) The method of claim 15, wherein said plurality of inquiries comprise multiple inquiry types, and wherein said multiple inquiry types comprise at least some of:

a file inquiry which checks for existence of a file of a certain date, time or size and which can return file information;

an INI file inquiry which checks for a certain application, variable and value, and which can return a certain value, or one or more variables and values;

an ASCII file inquiry which checks for a certain character string in a file, and which can return information on a line within the character string;

a registry inquiry which checks for a certain registry tree or value, and which can return one or more values in a tree or sub-tree;

an external process inquiry using an INI output, which comprises executing an external process and performing an INI file inquiry on the result;

an external process inquiry which executes an external process, provides an ASCII output, and performs an ASCII file inquiry on the result;

an external process inquiry using a registry, which executes an external process and performs a registry inquiry on the result; and

multiple inquiries which comprise a combination of multiple other inquiry types, where all must succeed.

27. (Original) The method of claim 15, wherein said plurality of inquiries are organized into at least one subject group, each subject group being directed to a different piece of said state information, at least one group of the at least one subject group having multiple instructions, and processing each instruction of each group of the at least one group having multiple instructions such that if a condition of the instruction is satisfied then terminating processing of the group, otherwise processing a next instruction of the multiple instructions within the group and continuing until a condition of one instruction of the multiple instructions is satisfied or until all instructions of the multiple instructions of the group have been processed.

28. (Original) A memory for storing a dictionary file data structure, the dictionary file data structure facilitating gathering of information on a state of a computer system, the dictionary file data structure comprising:

a plurality of inquiries for ascertaining state information on the computer system, said plurality of inquiries being organized into at least one subject group, each subject group being directed to a different piece of said state information, at least one group of the at least one subject group having multiple records of inquiry; and

wherein the multiple records of inquiry of the at least one group comprise multiple instructions, each instruction comprising a result to be output when a condition of said instruction is satisfied, wherein outputting of a result from one instruction terminates processing of said at least one group having multiple records of inquiry.

29. (Currently Amended) A memory for storing a dictionary file data structure, the dictionary file data structure facilitating gathering information on a state of a computer system, the dictionary file data structure comprising:

a plurality of inquiries for ascertaining said state information on said computer system, at least one inquiry of the plurality of inquiries comprising an instruction having a result which is output when a condition of said instruction is satisfied, wherein said plurality of inquiries comprise at least one of a file check inquiry, a file content check inquiry, an external process check inquiry, or a default inquiry.

30. (Original) A system for gathering information on a state of a computer system, said system comprising:

means for providing a dictionary file having a plurality of inquiries for ascertaining state information on said computer system, said plurality of inquiries being organized into at least one subject group, each subject group being directed to a different piece of said state information, at least one group of said at least one subject group having multiple records of inquiry; and

means for processing at least one inquiry of said plurality of inquiries of said dictionary file to accumulate said state information, said means for processing comprises for each group of said at least one group having multiple records of inquiry;

means for processing a record of said multiple records of inquiry, and if a condition of said record is satisfied then for terminating processing of said group, otherwise for processing a next record of said multiple records of inquiry and continuing until a condition of one record of said multiple records of inquiry is

satisfied or all records of said multiple records of inquiry of said group have been processed.

31. (Original) The system of claim 30, wherein said at least one subject group comprises multiple subject groups, and wherein said means for processing of each group of said at least one group having multiple records of inquiry comprises means for proceeding to a next group of said multiple subject groups when said condition of one record of said multiple records of inquiry in said at least one group is satisfied.

32. (Original) The system of claim 30, wherein at least some inquiries of said plurality of inquiries comprise instructions, each instruction providing a result when a condition of said instruction is satisfied.

33. (Original) The system of claim 32, further comprising means for collecting results of said instructions into a file, said file being representative of said state of said computer system.

34. (Original) The system of claim 33, wherein each inquiry of said plurality of inquiries is an instruction which provides a result when a condition of said instruction is satisfied.

35. (Original) The system of claim 33, wherein said means for processing comprises means for processing each group of said at least one subject group, and wherein said system further comprises means for transferring said file to an information repository coupled to said computer system across a network.

36. (Original) The system of claim 35, wherein said computer system comprises one computer system of a plurality of computer systems coupled to said network.

37. (Original) The system of claim 30, wherein said dictionary file comprises a rules database in an ASCII file.

38. (Original) The system of claim 30, wherein said means for processing comprises means for processing each group of said at least one subject group, and means for

setting group substitution variables for output upon initiation of processing of each group of said at least one subject group.

39. (Original) The system of claim 30, wherein said multiple records of inquiry of said at least one group comprise at least one of a file check inquiry, a file content check inquiry, an external process check inquiry, or a default inquiry for said group.

40. (Original) The system of claim 30, wherein said plurality of inquiries comprise multiple inquiry types, and wherein said multiple inquiry types comprise at least some of:

a file inquiry which checks for existence of a file of a certain date, time or size and which can return file information;

an INI file inquiry which checks for a certain application, variable and value, and which can return a certain value or one or more variables and values;

an ASCII file inquiry which checks for a certain character string in a file, and which can return information on a line within the character string;

a registry inquiry which checks for a certain registry tree or value, and which can return one or more values in a tree or sub-tree;

an external process inquiry using an INI output, which comprises executing an external process and performing an INI file inquiry on the result;

an external process inquiry which executes an external process, provides an ASCII output, and performs an ASCII file inquiry on the result;

an external process inquiry using a registry, which executes an external process and performs a registry inquiry on the result; and

multiple inquiries which comprise a combination of multiple other inquiry types, where all must succeed.

41. (Currently Amended) A system for gathering information on a state of a computer system, said system comprising:

means for providing a dictionary file having a plurality of inquiries for ascertaining said state information on said computer system, at least one inquiry of said plurality of inquiries comprising an instruction having a result which is output when a condition of said instruction is satisfied, wherein said plurality of inquiries comprise at least one of a file check inquiry, a file content check inquiry, an external process check inquiry, or a default inquiry; and

means for processing said at least one inquiry of said plurality of inquiries of said dictionary file to accumulate said state information, said means for processing comprising for each instruction, means for outputting said result of said instruction from said dictionary file when said condition of said instruction is satisfied, wherein said state information on said computer system comprises any outputted results from satisfaction of said at least one instruction.

42. (Original) The system of claim 41, wherein said at least one inquiry comprising said instruction comprises multiple inquiries of said plurality of inquiries, each instruction having a result which is output when a condition of said instruction is satisfied.

43. (Original) The system of claim 42, further comprising means for collecting results of said instructions into a file, said file being representative of said state of the computer system.

44. (Original) The system of claim 43, wherein each inquiry of said plurality of inquiries is an instruction which provides a result when a condition of said instruction is satisfied.

45. (Original) The system of claim 43, further comprising means for transferring said file to an information repository coupled to said computer system across a network.

46. (Original) The system of claim 45, wherein said computer system comprises one computer system of a plurality of computer systems coupled to said network.

47. (Original) The system of claim 41, wherein said dictionary file comprises a rules database defined in an ASCII file.

48. (Cancelled)

49. (Original) The system of claim 41, wherein said plurality of inquiries comprise multiple inquiry types, and wherein said multiple inquiry types comprise at least some of:

a file inquiry which checks for existence of a file of a certain date, time or size and which can return file information;

an INI file inquiry which checks for a certain application, variable and value, and which can return a certain value, or one or more variables and values;

an ASCII file inquiry which checks for a certain character string in a file, and which can return information on a line within the character string;

a registry inquiry which checks for a certain registry tree or value, and which can return one or more values in a tree or sub-tree;

an external process inquiry using an INI output, which comprises executing an external process and performing an INI file inquiry on the result;

an external process inquiry which executes an external process, provides an ASCII output, and performs an ASCII file inquiry on the result;

an external process inquiry using a registry, which executes an external process and performs a registry inquiry on the result; and

multiple inquiries which comprise a combination of multiple other inquiry types, where all must succeed.

50. (Original) The system of claim 41, wherein said plurality of inquiries are organized into at least one subject group, each subject group being directed to a different piece of said state information, at least one group of the at least one subject group having

multiple instructions, and said system comprising means for processing each instruction of each group of the at least one group having multiple instructions such that if a condition of the instruction is satisfied processing of the group is terminated, otherwise a next instruction of the multiple instructions within the group is processed and continuing until a condition of one instruction of the multiple instructions is satisfied or until all instructions of the multiple instructions of the group have been processed.

51. (Original) At least one program storage device readable by a machine, tangibly embodying at least one program of instructions executable by the machine to perform a method for gathering information on a state of a computer system, said method comprising:

providing a dictionary file having a plurality of inquiries for ascertaining state information on said computer system, said plurality of inquiries being organized into at least one subject group, each subject group being directed to a different piece of said state information, at least one group of said at least one subject group having multiple records of inquiry; and

processing at least one inquiry of said plurality of inquiries of said dictionary file to accumulate said state information, said processing comprising for each group of said at least one group having multiple records of inquiry:

processing a record of said multiple records of inquiry, and if a condition of said record is satisfied then terminating processing of said group, otherwise processing a next record of said multiple records of inquiry and continuing until a condition of one record of said multiple records of inquiry is satisfied or all records of said multiple records of inquiry of said group have been processed.

52. (Original) The at least one program storage device of claim 51, wherein said at least one subject group comprises multiple subject groups, and wherein said processing of each group of said at least one group having multiple records of inquiry comprises proceeding to a next group of said multiple subject groups when said condition of one record of said multiple records of inquiry in said at least one group is satisfied.

53. (Original) The at least one program storage device of claim 51, wherein at least some inquiries of said plurality of inquiries comprise instructions, each instruction providing a result when a condition of said instruction is satisfied.

54. (Original) The at least one program storage device of claim 53, further comprising collecting results of said instructions into a file, said file being representative of said state of said computer system.

55. (Original) The at least one program storage device of claim 54, wherein each inquiry of said plurality of inquiries is an instruction which provides a result when a condition of said instruction is satisfied.

56. (Original) The at least one program storage device of claim 54, wherein said processing comprises processing each group of said at least one subject group, and wherein said method further comprises transferring said file to an information repository coupled to said computer system across a network.

57. (Original) The at least one program storage device of claim 56, wherein said computer system comprises one computer system of a plurality of computer systems coupled to said network.

58. (Original) The at least one program storage device of claim 51, wherein said dictionary file comprises a rules database in an ASCII file.

59. (Original) The at least one program storage device of claim 51, wherein said multiple records of inquiry of said at least one group comprise at least one of a file check inquiry, a file content check inquiry, an external process check inquiry, or a default inquiry for said group.

60. (Original) The at least one program storage device of claim 51, wherein said plurality of inquiries comprise multiple inquiry types, and wherein said multiple inquiry types comprise at least some of:

a file inquiry which checks for existence of a file of a certain date, time or size and which can return file information;

an INI file inquiry which checks for a certain application, variable and value, and which can return a certain value or one or more variables and values;

an ASCII file inquiry which checks for a certain character string in a file, and which can return information on a line within the character string;

a registry inquiry which checks for a certain registry tree or value, and which can return one or more values in a tree or sub-tree;

an external process inquiry using an INI output, which comprises executing an external process and performing an INI file inquiry on the result;

an external process inquiry which executes an external process, provides an ASCII output, and performs an ASCII file inquiry on the result;

an external process inquiry using a registry, which executes an external process and performs a registry inquiry on the result; and

multiple inquiries which comprise a combination of multiple other inquiry types, where all must succeed.

61. (Currently Amended) At least one program storage device readable by a machine, tangibly embodying at least one program of instructions executable by the machine to perform a method for gathering information on a state of a computer system, said method comprising:

providing a dictionary file having a plurality of inquiries for ascertaining said state information on said computer system, at least one inquiry of said plurality of inquiries comprising an instruction having a result which is output when a condition of said instruction is satisfied, wherein said plurality of inquiries comprise at least one of a file check inquiry, a file content check inquiry, an external process check inquiry, or a default inquiry; and

processing at least one inquiry of said plurality of inquiries of said dictionary file to accumulate said state information, said processing comprising for each

instruction, outputting said result of said instruction from said dictionary file when said condition of said instruction is satisfied, wherein said state information on said computer system comprises outputted results from satisfaction of said at least one instruction.

62. (Original) The at least one program storage device of claim 61, wherein said at least one inquiry comprising said instruction comprises multiple inquiries of said plurality of inquiries, each instruction having a result which is output when a condition of said instruction is satisfied.

63. (Original) The at least one program storage device of claim 62, further comprising collecting results of said instructions into a file, said file being representative of said state of the computer system.

64. (Original) The at least one program storage device of claim 63, wherein each inquiry of said plurality of inquiries is an instruction which provides a result when a condition of said instruction is satisfied.

65. (Original) The at least one program storage device of claim 63, further comprising transferring said file to an information repository coupled to said computer system across a network.

66. (Original) The at least one program storage device of claim 65, wherein said computer system comprises one computer system of a plurality of computer systems coupled to said network.

67. (Original) The at least one program storage device of claim 61, wherein said dictionary file comprises a rules database defined in an ASCII file.

68. (Cancelled)

69. (Original) The at least one program storage device of claim 61, wherein said plurality of inquiries comprise multiple inquiry types, and wherein said multiple inquiry types comprise at least some of:

a file inquiry which checks for existence of a file of a certain date, time or size and which can return file information;

an INI file inquiry which checks for a certain application, variable and value, and which can return a certain value, or one or more variables and values;

an ASCII file inquiry which checks for a certain character string in a file, and which can return information on a line within the character string;

a registry inquiry which checks for a certain registry tree or value, and which can return one or more values in a tree or sub-tree;

an external process inquiry using an INI output, which comprises executing an external process and performing an INI file inquiry on the result;

an external process inquiry which executes an external process, provides an ASCII output, and performs an ASCII file inquiry on the result;

an external process inquiry using a registry, which executes an external process and performs a registry inquiry on the result; and

multiple inquiries which comprise a combination of multiple other inquiry types, where all must succeed.

70. (Original) The at least one program storage device of claim 61, wherein said plurality of inquiries are organized into at least one subject group, each subject group being directed to a different piece of said state information, at least one group of the at least one subject group having multiple instructions, and processing each instruction of each group of the at least one group having multiple instructions such that if a condition of the instruction is satisfied then terminating processing of the group, otherwise processing a next instruction of the multiple instructions within the group and continuing until a condition of one instruction of the multiple instructions is satisfied or until all instructions of the multiple instructions of the group have been processed.

Amendment to the Drawings

Attached is a new formal drawing sheet 1/8 containing an amended FIG. 1. This new formal drawing sheet of 1/8 replaces the original drawing sheet 1/8.

Attachments: Replacement sheet 1/8.

Annotated sheet 1/8 showing changes in red.

Remarks

Entrance of this amendment, and allowance of all pending claims are respectfully requested. Claims 1-24, 26-47, 49-67, 69 & 70 remain pending.

The specification amendments presented address the issues raised in the Office Action. Specifically, WINDOWS is capitalized wherever appearing in the application and accompanied by generic terminology as requested. In addition, page 1 of the specification is amended to include the patent number of the co-filed application, and pages 7 & 8 are amended to include new reference numbers for FIG. 1, responsive to the drawings objection contained in the Office Action.

A new FIG. 1 is presented adding a textual label for element 10, and different element numbers to different client computers as requested in the Office Action. An annotated FIG. 1, wherein changes are shown in red, is also provided for the Examiner's convenience.

Based upon the above amendments, withdrawal of the specification and drawings objections is respectfully requested.

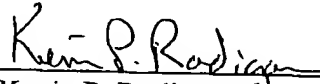
Substantively, applicant gratefully acknowledges the indication of allowance of claims 1-14, 30-40 & 51-60, as well as the indication of allowability of claims 16-28, 42-50 & 62-70 if rewritten in independent form including all limitations of the base claim and any intervening claims.

Claims 15, 29, 41 & 61 stand rejected. These claims are rejected under 35 U.S.C. 102(e) as being anticipated by Matheny et al. (U.S. Patent No. 6,259,446).

In response to this rejection, the subject matter of allowable claims 25, 38 & 68 is incorporated into the respective independent claims 15, 41 & 61. These amendments are presented without acquiescing to the substance of the anticipation rejection, but rather are made in order to advance prosecution of the application. Claim 29 is similarly amended and is believed allowable for the same reasons as independent claims 15, 31 & 61. Based upon these amendments, all claims are now believed to be in condition for allowance and such action is respectfully requested.

Should the Examiner wish to discuss this application further, the Examiner is invited to telephone applicant's below-listed representative.

Respectfully submitted,

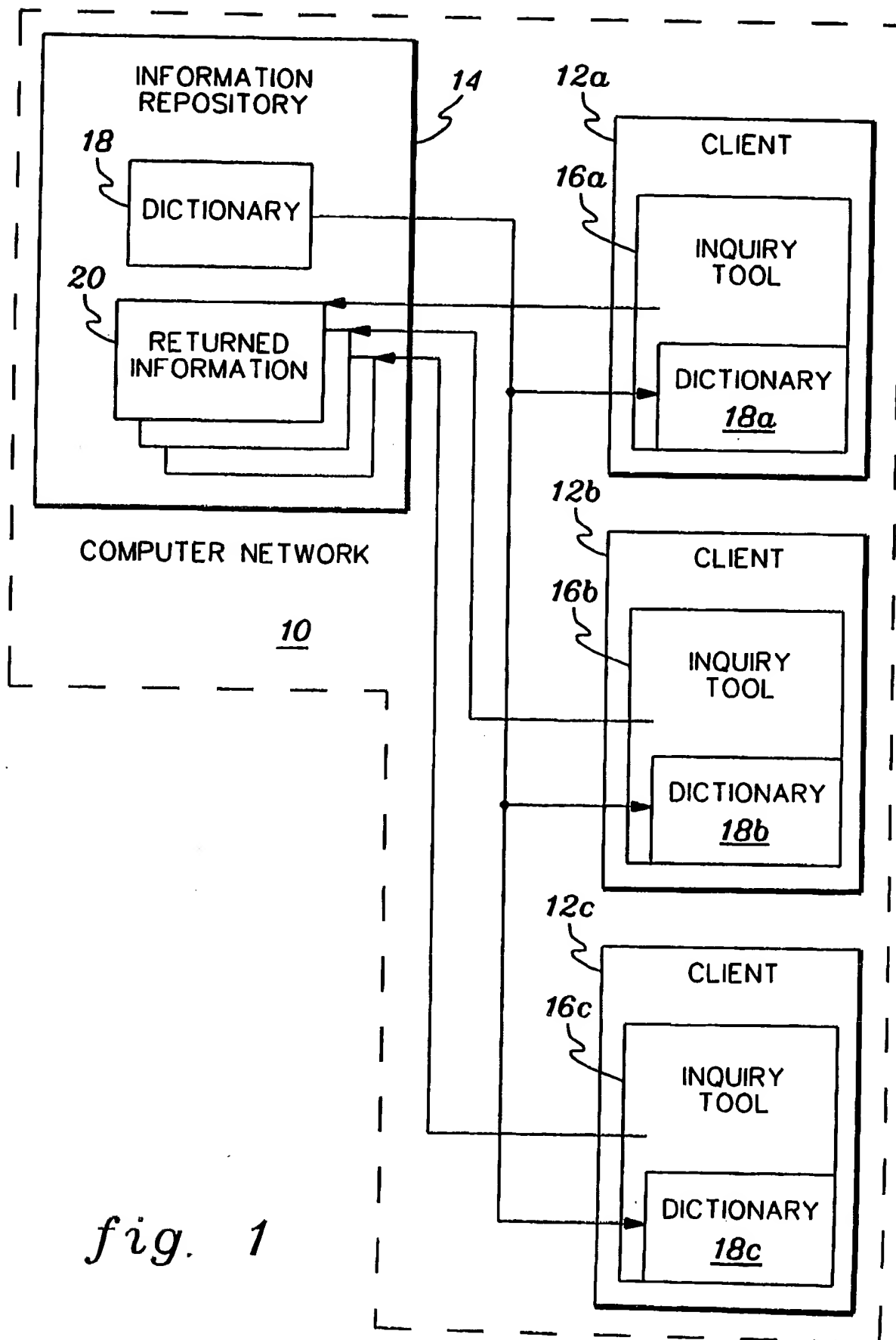


Kevin P. Radigan
Attorney for Applicant
Registration No.: 31,789

Dated: September 30, 2003.

HESLIN ROTHENBERG FARLEY & MESITI P.C.
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Albany, New York 12203-5160
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Facsimile: (518) 452-5579

EN999088



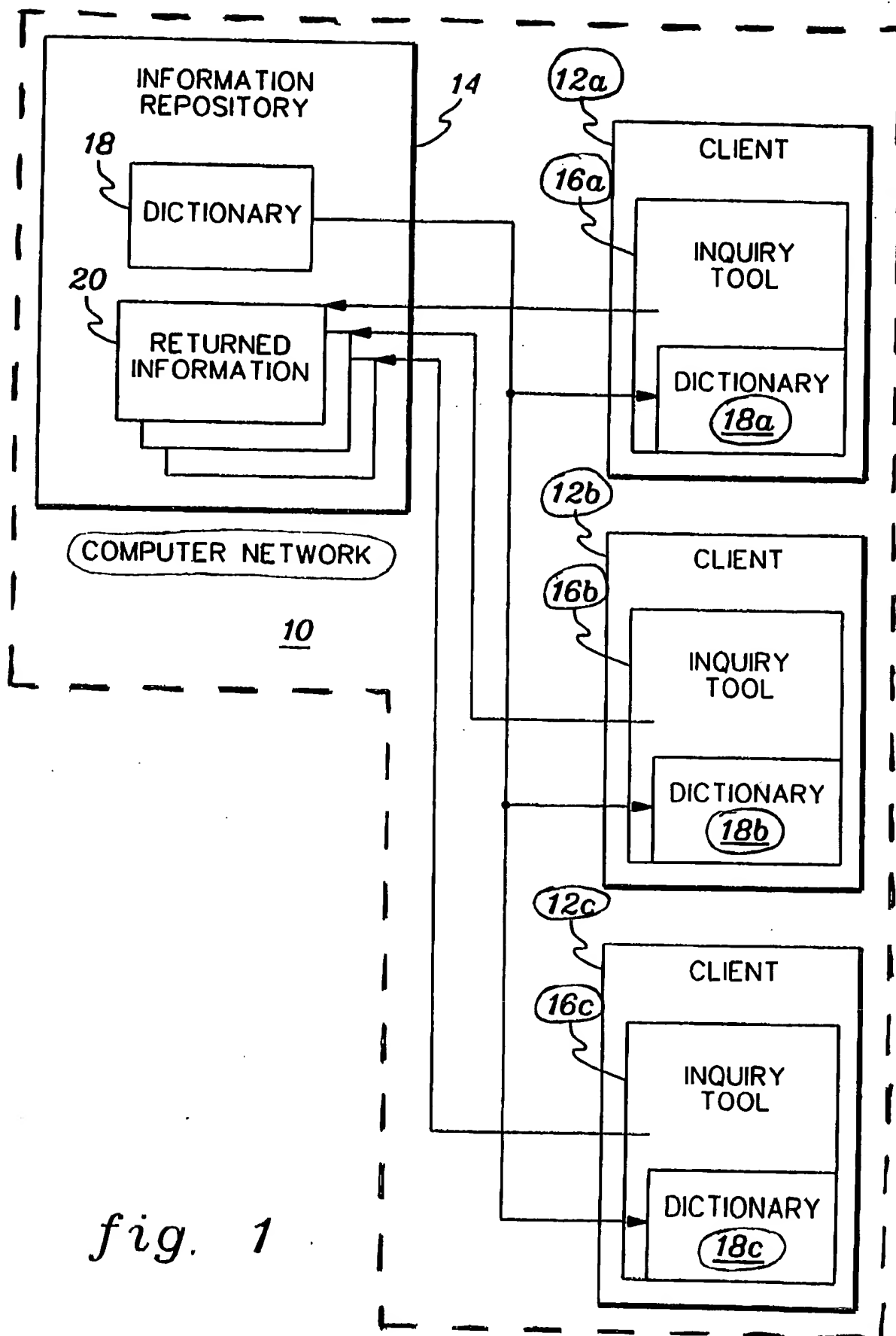
U.S. MURRAY
EN999088*fig. 1*

Exhibit C

0827.066

**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/442,909 | 11/18/1999 | DOUGLAS GEORGE MURRAY | EN999088 | 6548 |

7590 02/18/2004
KEVIN P RADIGAN ESQ
HESLIN & ROTHENBERG P C
5 COLUMBIA CIRCLE
ALBANY, NY 122035160

| |
|-------------|
| EXAMINER |
| BLACK, LINH |

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
| 2177 | |

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

4/18/2004

FEB 23 2004

Exhibit C

Notice of Abandonment

Application No.

09/442,909

Applicant(s)

MURRAY, DOUGLAS
GEORGE

Examiner

LINH BLACK

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:


1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 08 July 2003.
- (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
- (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Examiner called Applicant's Representative on February 12, 2004 to check on the status of the case and no returned call has been received.


GRETA ROBINSON
PRIMARY EXAMINER

2/17/04

LB

Attempts to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.
Patent and Trademark Office
DL-1432 (Rev. 04-01)

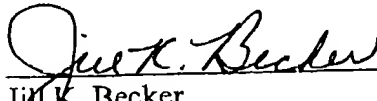
Notice of Abandonment

Exhibit D**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Douglas G. Murray Confirmation No.: 6548
Serial No.: 09/442,909 Group Art Unit: 2154
Filed: November 18, 1999 Examiner: Black, Linh
Title: INFORMATION GATHERING FACILITY EMPLOYING
DICTIONARY FILE CONTAINING MULTIPLE INQUIRIES

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile transmission to: Examiner Linh Black & Examiner John Breene, Group Art Unit 2177, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, Facsimile No. (703) 746-7239, on March 15, 2004.


Jill K. Becker

Date of Signature: March 15, 2004.

To: Examiner Linh Black
Examiner John Breene
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Request to Withdraw Abandonment

Dear Sir:

On February 23, 2004, applicant received a Notice of Abandonment (copy attached) for applicant's alleged failure to timely respond to the Office Action letter mailed on July 8, 2003. This assertion is incorrect, and the application should not be abandoned.

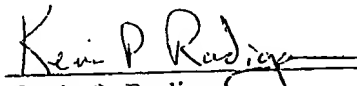
In support of applicant's position, attached is a copy of applicant's prior mailed Response dated September 30, 2003. As noted on page 1 of the Response, the Response was filed in reply to the Office Action mailed July 8, 2003.

The September 30, 2003 Response included a Certificate of Mailing on both the amendment and the accompanying transmittal letter. The papers were accompanied by a postcard identifying the application, the amendment, and the amendment transmittal letter. However, a stamped copy has not been received back from the U.S. Patent Office. Notwithstanding this, applicant respectfully submits that the signed Certificates of Mailing clearly evidence applicant's timely filing of a reply to the July 8, 2003 Office Action.

Based on the foregoing, applicant respectfully submits that the Notice of Abandonment mailed on February 18, 2004 was issued in error and respectfully requests that the abandonment be withdrawn and that the case be reinstated.

Should any questions arise regarding this correspondence, please contact applicant's undersigned representative.

Respectfully submitted,


Kevin P. Radigan
Attorney for Applicants
Registration No.: 35,670

Dated: March 15, 2004.

HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle
Albany, New York 12203-5160
Telephone: (518) 452-5600
Facsimile: (518) 452-5579



UNITED STATES PATENT AND TRADEMARK OFFICE

Exhibit E

COMMISSIONER FOR PATENTS
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www.uspto.gov

082-1.066

Paper No. 6

Kevin P. Radigan
Heslin Rothenberg Farley & Mesiti P.C.
5 Columbia Circle
Albany, NY 12203-5160

MAILED

APR 22 2004

Technology Center 2100

In re Application of:
Douglas G. Murray
Application No. 09/442,909
Filed: November 18, 1999
For: INFORMATION GATHERING FACILITY
EMPLOYING DICTIONARY FILE
CONTAINING MULTIPLE INQUIRIES

DECISION ON PETITION
UNDER 37 CFR §1.181 TO
WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition filed 15 March 2004 under 37 CFR §1.181 to withdraw the holding of abandonment of the above-identified application.

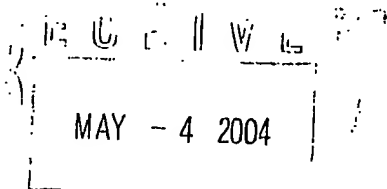
This application was held abandoned for failure to respond in a timely manner to the Office Action mailed 08 July 2003 (paper no. 3). A Notice of Abandonment was mailed 18 February 2004 (paper no. 4).

37 CFR 1.8(b) sets forth in relevant part that "[in] the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided without prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending units report confirming transmission may be used to support this statement."

The present petition does not include a statement from the party who forwarded the correspondence (i.e. the individual who signed the certificate of mailing of the correspondence in question) which attests on a personal knowledge basis to the previous timely mailing. Accordingly, the Petition is **DISMISSED**.

Any request for reconsideration must be filed within two months of the mailing date of this decision.



DOCKETED 6/22/04

Exhibit E

Serial No.: 09/442,909
Decision on Petition

- 2 -

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (703) 305-9750.



Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
703-305-9750